

U.S. Department of Justice

United States Attorney
Southern District of New York

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86 Chambers Street, 3rd Floor
New York, New York 10007

April 24, 2008

By Hand

Hon. Denny Chin
United States District Judge
United States Courthouse
500 Pearl Street, Room 1020
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: V 100-30
DATE FILED: 4/29/2008

Re: Danya Henderson v. Astrue
07 Civ. 7320 (DC)

Dear Judge Chin:

This Office represents the Commissioner of Social Security, defendant in this action. We write respectfully to advise the Court of the status of this matter, and to request that the Court adopt the parties' proposed briefing schedule.

I filed defendant's answer to the complaint on February 15, 2008, and shortly thereafter the file for this matter was removed from my office in preparation for reassignment to the Assistant United States Attorney now handling the matter, Susan C. Branagan. Your Honor's chambers advised me yesterday that the Court had issued a briefing schedule making plaintiff's motion for judgment on the pleadings due by March 25, 2008, defendant's cross-motion due by April 25, 2008, plaintiff's reply due by May 16, 2008, and defendant's reply due by June 6, 2008. It appears, however, that due to an administrative error your Honor's order was placed in the file, and neither I nor Ms. Branagan was aware that it had been issued. As a result, this Office did not forward a copy of the order to plaintiff's counsel. We apologize to the Court and plaintiff for this oversight.

Regarding the current status, plaintiff's counsel forwarded to this Office a written submission concerning this case, which we have forwarded to the agency for its consideration. To allow the agency time to consider plaintiff's submission and evaluate its litigation position in this case, the parties respectfully request that the Court adopt the following

briefing schedule:

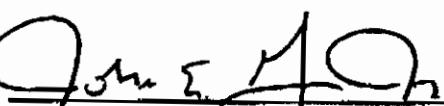
- 1) Plaintiff's motion for judgment on the pleadings is due by June 6, 2008;
- 2) Defendant's cross-motion is due by July 7, 2008;
- 3) Plaintiff's reply, if any, is due by July 21, 2008;
- 4) Defendant's reply, if any, is due by August 4, 2008.

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


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cc: Allan Rubin, Esq.
(By Fax)

*Approved.
so ordered.
JEG
USDS
4/29/08*